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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,164	01/31/2002	Jose Bustos	11381-2	6531
1059	7590	03/30/2004	EXAMINER	
BERESKIN AND PARR SCOTIA PLAZA 40 KING STREET WEST-SUITE 4000 BOX 401 TORONTO, ON M5H 3Y2 CANADA			PRITCHETT, JOSHUA L	
		ART UNIT	PAPER NUMBER	
		2872		
DATE MAILED: 03/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/059,164	BUSTOS, JOSE	
	Examiner	Art Unit	
	Joshua L Pritchett	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 November 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,4,6-11,13-15 and 17-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,4,6-11,13-15 and 17-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 31 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

This action is in response to Request for Continued Examination filed November 28, 2003 and Amendment filed October 31, 2003. Claims 1, 4, 6 and 10 have been amended and claims 2, 3 and 5 have been cancelled as requested by the applicant.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skiver (US 6,329,925) in view of Stefano (US 3,806,233) and Goosen (US 4,932,769).

Regarding claim 1, Skiver teaches a rearview mirror apparatus for mounting to the inside of the front windshield comprising an elongated mirror housing (12) shaped to extend along a longitudinal axis substantially across a top portion of the windshield (Fig. 1), the housing having a generally rectangular elongated front opening (Fig. 2). Skiver teaches a planar mirror (14) mounted within the opening (Fig. 1) wherein the mirror is disposed in a plane extending at an angle to the longitudinal axis of the housing (Fig. 3). Skiver teaches a single mount to connect

the housing to the windshield but lacks a pair of mounts, the mirror extending across 80% of the windshield and a wedge shaped housing. Stefano teaches a mirror inside the windshield extending across 80% of the windshield (Fig. 1). Stefano further teaches the mirror having two mounts, one on each end (driver and passenger sides) of the mirror (Fig. 1). Goosen teaches a wedge shaped housing for a mirror (Fig. 2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to equip the Shiver mirror with the size and mounts of Stefano for the purpose of decreasing the area of the driver's blind spots while maintaining a secure connection between the windshield and the mirror. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the Shiver mirror housing have the wedge shape as taught by Goosen for the purpose of providing the driver with the correct reflecting angle of the mirror without having to adjust the position of the mirror on the windshield.

Regarding claim 4, Shiver teaches the front surface has a lip portion for retaining the mirror within the housing (Fig. 3).

Claims 6-11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiver in view of Stefano and Goosen as applied to claim1 above, and further in view of Tu.

Regarding claims 6, 7 and 20, Skiver teaches the invention as claimed but lacks reference to the mounts having a telescopic body. Tu teaches the use of rearview mirror mounts with telescopic bodies (Fig. 1). Tu further teaches the telescopic body comprises a cylinder having a closed end adjacent to the housing an open end adjacent the windshield, a shaft shaped to slidingly fit within the cylinder through the open end and a securing meaning (88) for adjustably

securing the shaft in a set position (Fig. 2). Tu teaches the use of the securing means being a screw (88) shaped to fit into a threaded aperture (84 and 86). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to equip the Skiver mirror mounts with the telescopic body taught by Tu for the purpose of extending the mirror so that people of different height can adjust the mirror to properly see objects behind them.

Regarding claim 8, Skiver teaches the invention as claimed but lacks reference to a joint extending from the closed end of the cylinder. Tu teaches the use of a first joint mechanism (68) extending from the closed end of the cylinder for pivotally connecting the cylinder to the housing, wherein the first joint mechanism is operable to pivot the housing about a pivot axis parallel to and spaced from the longitudinal axis of the housing (Fig. 1). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to equip the Skiver mirror mounts with the adjustable mount taught by Tu for the purpose of extending the mirror so that people of different height can adjust the mirror to properly see objects behind them.

Regarding claim 9, Skiver teaches the invention as claimed but lacks reference to the use of a second joint mechanism. Tu teaches the use of a second joint mechanism (66) extending from the shaft for rotatably connecting the shaft to the windshield (Fig. 1). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to equip the Skiver mirror mounts with the adjustable mount taught by Tu for the purpose of extending the mirror so that people of different height can adjust the mirror to properly see objects behind them.

Regarding claim 10, Shiver teaches the invention as claimed but lacks reference to the claimed mounts. Tu discloses a rearview mirror assembly comprising a telescopic main body extending generally perpendicularly to the housing and the windshield (Fig. 1) comprising a cylinder having a closed end adjacent the housing and an open end adjacent the surface (Fig. 2), a shaft shaped to slidably fit within the cylinder through the open end (Fig. 2) and a securing means (88) for adjustably securing the shape in a set position (Fig. 1). Tu further discloses a first joint mechanism (68) extending from the closed end of the cylinder pivotally connecting the cylinder to the housing (Fig. 1). Tu further discloses a second joint mechanism (66) extending from the shaft for rotatably connecting the shaft to the windshield (Fig. 1). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to equip the Shiver invention with the mounts of Tu for the purpose of adjusting the distance between the windshield and the mirror housing.

Regarding claim 11, Shiver teaches the invention as claimed but lacks reference to the claimed mounts. Tu discloses the securing means comprises a keyed surface (40) in the shaft, a set screw (88) within a threaded aperture in the side of the cylinder (82 and 84), the set screw being releasably tightenable against the shaft (col. 3 lines 18-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to equip the Shiver invention with the mounts of Tu for the purpose of adjusting the distance between the windshield and the mirror housing.

Regarding claims 17 and 18, Shiver teaches the invention as claimed but lacks reference to the claimed mounts. Tu teaches the second joint mechanism comprising a ball (66) extending from the end of the shaft and a socket (48) portion attachable to the windshield, wherein the ball

is shaped to fit within the socket. Tu further teaches the socket portion (48) comprises a socket attached to a base (38), wherein the base includes a flat base plate. Tu further teaches the base plate attached to the socket at an eccentric angle (Fig. 1). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the Shiver invention include the Tu mounts for the purpose of securely attaching the mirror to the windshield.

Regarding claim 19, Shiver teaches the invention as claimed, but lack specific reference to the mounts having a pocket portion to adhesively couple the mounts to the windshield and receive the base plate. Official Notice teaches that it is currently commonly practice to have a pocket portion in a rearview mirror mount to slide over a base plate adhesively attached to the windshield to attach the mount to the windshield. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to equip the Shiver invention with a pocket portion to attach it to the windshield of a vehicle of the purpose of added safety.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiver in view of Stefano, Goosen and Tu as applied to claim 10 above, and further in view of Sorenson.

Regarding claims 13 and 14, Shiver teaches the invention as claimed but lacks reference to the first joint being a U-shaped bracket with flange. Sorenson teaches a joint for a rearview mirror comprising an annular flange (54) and a U-shaped bracket (72) with the side portions of the U-shaped bracket spaced apart to receive the flange (Fig. 7). Sorenson further teaches the annular flange has a central aperture and the U-shaped bracket having apertures that register with the annular flange aperture (Fig. 7). Sorenson further teaches a fastener (73) to releasably attach the flange to the U-shaped bracket by sliding through the apertures (Fig. 7). It would have been

obvious to a person of ordinary skill in the art at the time the invention was made to use the U-shaped bracket and flange joint taught by Sorenson in the Shiver invention for the purpose of limiting the movement of the joint in a single direction.

Regarding claim 15, Shiver teaches the invention as claimed but lacks reference to the sides of the flange being serrated. Official Notice teaches that it is well known and commonly used in the art to have a flange with serrated sides, to create a stronger connection between the flange and the U-shaped bracket. It would have been obvious to a person of ordinary skill in the art at the time the invention was claimed to have the flange of the Shiver in combination with Sorenson have serrated sides as taught by Official Notices for the purpose of holding the rearview mirror in place after the desired adjustments have been made to the mirror positioning.

### ***Response to Arguments***

Applicant's arguments filed October 16, 2003 with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLP  
JW



DREW A. DUNN  
SUPERVISORY PATENT EXAMINER